

**DECISION****THE COMPTROLLER GENERAL** 23925  
**OF THE UNITED STATES**  
WASHINGTON, D. C. 20548**FILE:** B-208156**DATE:** December 30, 1982**MATTER OF:** Lieutenant Clyde Alan Kay, USNR

**DIGEST:** Member of the Navy Medical Service Corps requests reimbursement of expenses for packing and storing his household goods which he incurred prior to acceptance of his commission and receipt of official orders. Since the applicable statutes and regulations restrict such allowances to "members" of the armed services, the claim must be denied.

Lieutenant Clyde Alan Kay, Navy Medical Service Corps, requests reconsideration of our Claims Group's March 11, 1982 denial of his claim for reimbursement of expenses for packing and storing his household goods which he incurred prior to receipt of his commission and official travel orders. Since the statutes and applicable regulations restrict payment of such allowances to members of the uniformed services, the claim must be denied.

On March 4, 1980, Lieutenant Kay (then a civilian) received a letter from the Bureau of Medicine and Surgery, Department of the Navy. The letter notified him that he had been selected for an appointment in the Health Care Administration of the Navy Medical Service Corps and that he was being nominated for duty at the Naval Regional Command Center in Oakland, California. In addition, it informed him that upon receipt of official orders and his commissioning, he could make arrangements to move.

Prior to the arrival of these documents, Lieutenant Kay made arrangements to sell his home in New Orleans, Louisiana. On March 20, 1980, he placed his household effects in storage at his own expense. (His house was sold on March 21.) Subsequently he received the official orders dated March 31, 1980, and his commission in the Navy. The next day (April 1, 1980) he placed his household effects in storage with

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the Naval Support Activity in Louisiana. On May 8, 1980, Lieutenant Kay accepted his commission and took his oath of office.

A request from Lieutenant Kay for reimbursement of the packing and storage expenses was received by the Navy Material Transportation Office on July 25, 1980. That office informed Lieutenant Kay that because the expenses had been incurred prior to his receipt of his commission and official orders, they could not be reimbursed.

Lieutenant Kay appealed his claim to the Navy Accounting and Finance Center, asserting that paragraph M8017 of Volume 1 of the Joint Travel Regulations allowed reimbursement in this situation. The Navy Material Transportation Office requested a review and adjudication of the case by our Claims Group. The Claims Group disallowed the claim by settlement dated March 11, 1982. Lieutenant Kay now appeals his claim from the disallowance by our Claims Group.

The right of uniformed services personnel to reimbursement of transportation expenses, including shipment and storage of household effects, is dependent upon both status as a military person and the performance of official travel directed by competent orders (or equivalent oral orders confirmed in writing) by order-issuing authorities. See generally 54 Comp. Gen. 291 (1974); 1 JTR para. M3000, M3001. There is no legal basis for reimbursement of expenses for shipment of household goods incurred before an individual gains status as a member of the uniformed services. Matter of Simone, B-192916, November 24, 1978.

Lieutenant Kay expresses the view that his situation is controlled by paragraph M8017 of Volume 1 of the Joint Travel Regulations (1 JTR), which provides certain exceptions to the rule against the shipment of household goods prior to the issuance of orders. However, as noted above, entitlement to travel and transportation allowances is dependent on an individual

having status as a member of the uniformed services and having official orders directing travel and transportation. At the time Lieutenant Kay placed his goods in storage with a commercial carrier he was a civilian. Accordingly, he is not entitled to be reimbursed for the expenses under this provision.

The provision applicable to storage and shipment of household goods for persons ordered to active duty is 1 JTR para. M8251, entitled "Upon Entrance into the Service." This provision authorizes shipment of household goods within prescribed weight allowances from home or the place from which ordered to active duty to the first duty station. It authorizes these expenses upon initial reporting for commissioned officers, warrant officers, and persons enlisted from civilian life or Reserve components.

Had Lieutenant Kay waited until he had received his orders as the Bureau of Medicine letter indicated, and on receipt of them and acceptance of his commission, stored his household effects, his expenses could have been reimbursed. By anticipating them, and moving prior to instructions that he should make such arrangements, he acted as a civilian and put his effects into storage for his own benefit.

Accordingly, no legal basis exists for the payment of his claim and the disallowance by our Claims Group must be sustained.

*for*   
Comptroller General  
of the United States